

NATIONAL DESERT STORM AND DESERT SHIELD WAR
MEMORIAL ACT

MAY 6, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 503]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 503) to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Desert Storm and Desert Shield War Memorial Act”.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) ASSOCIATION.—The term “Association” means the National Desert Storm Memorial Association, a corporation organized under the laws of the State of Arkansas and described in section 501(c)(3) and exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(2) MEMORIAL.—The term “memorial” means the National Desert Storm and Desert Shield Memorial authorized to be established under section 3.

SEC. 3. MEMORIAL TO COMMEMORATE.

(a) AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.—The Association may establish the National Desert Storm and Desert Shield Memorial as a commemorative work, on Federal land in the District of Columbia to commemorate and honor those who, as a member of the Armed Forces, served on active duty in support of Operation Desert Storm or Operation Desert Shield.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS ACT.—The establishment of the commemorative work shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”).

(c) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the memorial. The Association shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial.

(d) DEPOSIT OF EXCESS FUNDS.—

(1) If upon payment of all expenses for the establishment of the memorial (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Association shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

(2) If upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Association shall transmit the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or the Administrator (as appropriate) following the process provided in section 8906(b)(4) of title 40, United States Code, for accounts established under section 8906(b)(2) or (3) of title 40, United States Code.

PURPOSE OF THE BILL

The purpose of H.R. 503 is to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 503 would authorize the National Desert Storm Memorial Association to establish a commemorative work on Federal land in the District of Columbia to commemorate and honor members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

The precise location would be determined later, but could be in the exclusive Area I (as defined the Commemorative Works Act), which includes property near the National Mall and is reserved for memorials of “pre-eminent historical and lasting significance to the Nation.” However, as introduced, the memorial would not be eligible for placement in “the Reserve,” which is the cross-axis of park property between the White House and the Jefferson Memorial, the Capitol and the Lincoln Memorial.

On November 7, 2012, the National Capital Memorial Advisory Commission reviewed the previous version of this bill introduced in the 112th Congress. On December 20, 2012, after confirming with the Department of Defense that Operations Desert Shield and Desert Storm were major military operations, the Commission informed the House Committee on Natural Resources of its unanimous support for the proposal.

The work would be planned, constructed, and maintained using non-federal funds and unlike recent monuments proposals, does not exempt any section of the Commemorative Works Act, which was established to place standards and a process for the placement of memorials in the Washington, D.C. area.

COMMITTEE ACTION

H.R. 503 was introduced on February 5, 2013, by Congressman David P. Roe (R-TN). The bill was referred to the Committee on

Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On February 26, 2014, the Subcommittee held a hearing on the bill. On April 9, 2014, the full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1; the amendment was adopted by unanimous consent. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

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H.R. 503 would authorize a nonprofit organization to establish a commemorative work on federal lands in the District of Columbia. Enacting the legislation would affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on the budget would not be significant in any year. Enacting H.R. 503 would not affect revenues.

The legislation would authorize the National Desert Storm Memorial Association to establish a memorial to honor members of the armed forces who participated in Operation Desert Storm or Operation Desert Shield. The memorial project, which would be completed without the use of federal funds, would be subject to the requirements of the Commemorative Works Act. Under that act, any entity that receives a permit to construct a memorial in the District of Columbia or its environs must donate to the National Park Foundation (a nonprofit organization) an amount equal to 10 percent of the memorial's estimated construction cost. That amount, as well as any project funds remaining after construction of the memorial, would be available in future years for maintenance of the memorial.

Based on the experience of similar commemorative projects, CBO expects that any amounts collected by the federal government would not be received for several years and would be offset by a

transfer to the National Park Foundation (a nonfederal entity) soon thereafter.

H.R. 503 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not impose a cost on state, local, or tribal governments.

On January 24, 2014, CBO transmitted a cost estimate for S. 995, the National Desert Storm and Desert Shield War Memorial Act, as ordered reported by the Senate Committee on Energy and Natural Resources on November 21, 2013. The two bills are similar and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that the net effect on the budget would not be significant in any year.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

